

2023:PHHC:098537

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

253

CRM-M No.40826 of 2022
Date of Decision: 01.08.2023

Pabitra Brahma and others

...Petitioners

Versus

State of Chandigarh (U.T.) and others

...Respondents

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Piyush Gupta, Advocate
for the petitioners.

Mr. P.S. Paul, Additional Public Prosecutor, UT Chandigarh
for respondent No.1-UT.

Mr. Vivek Varun, Advocate
for respondents No.2 & 3.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioners have prayed for the quashing of the FIR bearing No.16 dated 13.01.2022 registered at Women Police Station, Chandigarh, under Sections 406, 420 & 498-A IPC as well as all the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute, leading to the registration of the said FIR.

2. Shorn and short of unnecessary details, the allegations, as levelled by respondent No.2-complainant in the subject FIR, are that at the time of finalizing the matrimonial alliance of his daughter, i.e respondent No.3 and petitioner No.2, the petitioners had misrepresented the material

facts before him and his daughter and after the marriage, they (petitioners) had subjected his daughter to cruelty for demanding more dowry and had duped him and his daughter of the huge amounts on false pretexts and they had also retained the '*Istridhan*' of his daughter and several other dowry articles as well.

3. Vide the order dated 12.09.2022 as passed by the Co-ordinate Bench, the parties had been directed to appear before the Illaqa Magistrate/ Duty Magistrate on 23.09.2022 for recording their statements in respect of the afore-said compromise and in compliance of this order, learned Judicial Magistrate 1st Class, Chandigarh, recorded their (parties') statements and has submitted his report (as already available on the file), while mentioning therein that in view of the statements of the parties, it appeared that the compromise affected between them is genuine and voluntary and has been arrived at without any undue influence or pressure and there are only three accused, i.e the petitioners, in this case and that as per the statement of the Investigating Officer, none of the petitioners is involved in any other case nor has been declared a proclaimed person. Copies of the joint statements of respondents No.2 & 3 and of the petitioners and the separate statement of the Investigating Officer, ASI Satyawar Singh, have been annexed with the above-said report.

4. I have heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for respondent No.1-UT and learned counsel for respondents No.2 & 3 in the present petition and have also gone through the file carefully.

5. The afore-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come and as is explicit from Annexure P-3, i.e the copies of the judgment and the decree passed by learned Additional District Judge, Chandigarh, on 07.04.2022 in the petition filed by respondent No.3 against petitioner No.2 under Section 12 of Hindu Marriage Act, the marriage between them has been declared null and void. It being so, there are bleak chances of the conviction of the petitioners and in such circumstances, the continuation of the proceedings in the case arisen out of the subject FIR, would be an exercise in futility.

6. Keeping in view the above-discussed facts and circumstances and also the observations as made by Hon'ble the Supreme Court in **Gian Singh Versus State of Punjab and another (2012)4 RCR (Criminal) 543**, the FIR bearing No.16 dated 13.01.2022 as registered at the Women Police Station, Chandigarh, under Sections 406, 420 & 498-A IPC as well as all the subsequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

01.08.2023

neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No